IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

Bail Appl..No. 722 of 2007()

CRIME NO.19/07 OF KOLATHOOR POLICE STATION
.....

PETITIONER/ACCUSED

HAREESH, S/O. NARAYANAN EZHUTHACHAN,
MUNDAKODIL HOUSE, KOTTUVADU,
PUZHAKKATTIRI P.O., PERINTHALMANNA.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: STATE & COMPLAINANT
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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
KOLATHOOR POLICE STATION, MALAPPURAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/02/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 722 OF 2007 A

Dated this the 8th day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the accused in Crime No.19/2007 of Kolathoor Police Station for an offence punishable under Sec.409 I.P.C., seeks anticipatory bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application submitting, inter alia, that eventhough in the instant case misappropriation of Rs.230/- alone is alleged, there are other instances of misappropriation for which custodial interrogation of the petitioner is inevitable.

3. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for the purpose of custodial interrogation and recovery of incriminating materials, if any. After interrogation, the petitioner shall be produced before the Magistrate having jurisdiction on the same day. The Magistrate, on being satisfied that the petitioner has been interrogated by the Investigating Officer, shall release the petitioner on bail on appropriate conditions.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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